

REMARKS

Applicant hereby traverses the rejections of record and requests reconsideration and withdrawal of such in view of the remarks contained herein. Claims 1-6 and 13-18 are allowed, claims 7, and 9-11 are rejected, and claims 8 and 12 are objected to. Claims 1-18 are pending in this application.

Rejection Under 35 U.S.C. § 103(a) (Temes & Lehman)

1. Claims 7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,602,291 to Temes (hereinafter “Temes”) in view of U.S. Patent 5,424,537 to Lehman et al. (hereinafter “Lehman”).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding that the first or second criteria are satisfied, the Applicant respectfully asserts that the Examiner’s rejection fails to satisfy the third criteria.

Claim 7 recites “performing a full calibration scan.” In the Current Action the Examiner points to Temes, at col. 2 lines 52-62, as satisfying this limitation. However, at the Examiner’s citation Temes merely discloses a dark current scan. Clearly, a dark current scan is not the same as a full calibration scan, as set forth in claim 7. Moreover, Lehman is not relied upon to teach or suggest this missing limitation. Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of record.

Claim 7 also recites “comparing the full calibration scan to the partial calibration scan.” In the Current Action, the Examiner points to Temes, at col. 3 lines 1-24, as satisfying this limitation. However, at the Examiner’s citation Temes discloses determining a difference between a dark current signal and a uniform illumination signal. Applicant notes, however, that a dark current scan is not the same as a full calibration scan, as set forth in claim 7. Therefore, Temes does not teach or suggest comparing a full calibration scan, much

less to a partial calibration scan. Moreover, Lehman is not relied upon to teach or suggest this missing limitation. Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of record.

Claim 7 further recites “adjusting the gains globally for the full calibration scan when the difference between the partial calibration scan and the full calibration scan is less than a predetermined amount.” The Examiner acknowledges that Temes does not teach or suggest this limitation. *See* Current Action, pg. 3. However, the Examiner points to Lehman, at various citations, to satisfy this limitation. *Id.* Applicant respectfully points out that Lehman merely teaches a pre-scan calibration which occurs before taking data from a document. *See* Lehman at col. 2, lines 62-68. A second “line” calibration is performed at the beginning of each line scan of the document. *See id.* Lehman teaches adjusting gain and bias converters “at the start of each line scan...and adjusts the gain and bias converters 72, 74 in accordance with the differences.” *See id.* at col. 11, lines 17-25. A calculated correction dG is added to converter 72 to “establish the requisite correction for the data that follows on the scan line.” *See id.* at col. 11, lines 32-35. Lehman does not teach adjusting the gains globally for the full calibration scan when the difference between the partial calibration scan and the full calibration scan is less than a predetermined amount. Accordingly, the combination of Temes and Lehman does not teach or suggest at least the above-recited limitation of claim 7. Therefore, Applicant requests reconsideration and withdrawal of the U.S.C. § 103(a) rejection of record.

Claim 9 depends from claim 7 and inherits each limitation from claim 7. As shown above, the Examiner’s proposed combination fails to teach or suggest each limitation of Applicant’s invention. Therefore, claim 7 sets forth limitations not taught or suggested by the Examiner’s proposed combination; and, is allowable at least for the reasons set forth above with respect to claim 7. In view of the above, Applicant respectfully requests that the Examiner withdraw the rejection of claim 9 under 35 U.S.C. § 103(a) and pass the claim to issue.

Rejection Under 35 U.S.C. § 103(a) (Temes, Lehman & Levy)

2. Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Temes in view of Lehman and further in view of U.S. Patent 5,384,699 to Levy et al. (hereinafter "Levy").

Claims 10-11 depend from claim 7 and inherit each limitation from claim 7. As shown above, the Examiner's proposed combination of Temes and Lehman fails to teach or suggest each limitation of Applicant's invention. Moreover, Levy is not relied upon to teach or suggest the missing limitations. Therefore, claims 10-11 each set forth limitations not taught or suggested by the Examiner's proposed combination; and, are allowable at least for the reasons set forth above with respect to claim 7. In view of the above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 10 and 11 under 35 U.S.C. § 103(a) and pass these claims to issue.

Claim Objections

In the Current Action, the Examiner objects to claims 8 and 12 as being dependent upon a rejected base claim. In view of the above, Applicant respectfully asserts that claims 8 and 12 are allowable.

Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10008017-1, from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as Express Mail, Airbill No. EV 568241290 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

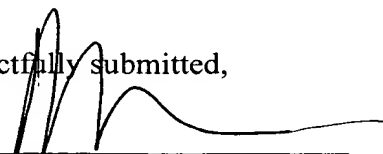
Dated: September 1, 2006

Signed by: Lorraine Davidoff



Respectfully submitted,

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